

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

\* \* \* \* \*

**MICHAEL A. McNEIL**

*Appellant*

\*

**v.**

\*

Case No.: 1:13-cv-02788-WDQ

**STEPHEN A. DRAZIN**

\*

*Appellee*

\* \* \* \* \*

**APPELLEE'S MOTION TO DISMISS**

The Appellee: Stephen A. Drazin, by and through his attorney Cary C. Jacobson, hereby files this Motion to Dismiss and for cause states as follows:

- 1.) The Appellant filed his Notice of Appeal in this instant action, which was docketed on September 4, 2013.
- 2.) Pursuant to Bankruptcy Rule 8009, the Appellant was required to file his brief in this matter within fourteen (14) days from the date his appeal was docketed (i.e. September 18, 2013).
- 3.) The Appellant failed to file his brief in this matter in accordance with Bankruptcy Rule 8009 – instead he filed his brief more than seven (7) days late (i.e. on September 25, 2013).

**WHEREFORE**, the Appellee: Stephen A. Drazin respectfully requests that the Appellant's instant appeal be dismissed and that he be afforded such other and further relief as the nature of his cause may require.

/s/ Cary C. Jacobson

Cary C. Jacobson (Bar No.:29300)

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